**HON'BLE SRI JUSTICE S.ANANDA REDDY**

**WRIT PETITION No.21932 of 2005**

**28-10-2005**

Between:

M/s. Sri Lakshmi Constructions Firm,

Plot No.80/B, Vinay Nagar Colony,

Saidabad, Hyderabad, rep.by its

Managing Partner Sri B.Nageswara Rao.

… Petitioner.

And

Government of A.P., rep.by its Secretary,

Transport, Roads & Buildings (R&B) Department,

Secretariat, Hyderabad and another.

… Respondents.

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**ORDER :**

This writ petition is filed by the petitioner Firm seeking Writ of Mandamus declaring the administrative inaction on the part of the first respondent in taking any decision despite the recommendations made by the second respondent and its Subordinates, as arbitrary, illegal and discriminatory.

This writ petition is filed by the petitioner Firm, represented by its Managing Partner Sri B.Nageswara Rao. According to him, the petitioner Firm was entrusted with certain works by the respondents viz., construction of a High Level Bridge on River Thungabhadra on Adoni – Gadwal Road near Naguladinne Village, Kurnool District. In the process of execution of the said work, due to unexpected floods, loss has caused to the petitioner Firm. Therefore, the second respondent recommended to the first respondent to compensate the petitioner. But however, the first respondent did not take any action, therefore, the present writ petition.

When this matter came up for admission on 7-10-2005, the learned Government Pleader for Roads & Buildings brought to the notice of this Court that the very same petitioner Firm filed a writ petition being W.P.No.13345 of 2005 where an identical relief or even a wider relief was sought, which was dismissed on 22-6-2005, against which the petitioner Firm also filed a writ appeal being W.A.No.1537 of 2005, which was also dismissed. Therefore, according to the learned Government Pleader, the very same Firm, without disclosing the fact of filing of the earlier writ petition, filed the present writ petition. Therefore, the matter was adjourned to 19-10-2005 for filing the relevant papers. Thereafter the matter came up for hearing today.

In the meanwhile, an additional affidavit is filed by the Managing Partner, who filed the affidavit in the present writ petition, bringing the factum of filing of earlier writ petition and also stating that the said omission was due to oversight and rendered unconditional apology, and also stated that the relief sought for in the earlier writ petition and the present writ petition is different, apart from stating that in the earlier writ petition, the affidavit was filed by another Partner viz., Sri B.Srinivas, who is a permanent resident of Hyderabad, and the deponent of the affidavit in the present writ petition had no knowledge or communication about the filing of the earlier writ petition.

During the course of hearing, learned counsel for the petitioner sought

permission of the Court to withdraw the writ petition in view of the fact of filing of writ petition as well as writ appeal earlier, which were dismissed, and also in view of filing of an additional affidavit rendering unconditional apology.

Recording the above, the writ petition is dismissed as withdrawn.

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(S.ANANDA REDDY,J.)

28-10-2005.

Msr

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(Msr)